

Status of the Claims

Claims 1-18 remain pending in this application.

Claims 1-18 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctively claim the subject matter which Appellants regards as the invention.

Claims 1 and 5-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *McQuistian* (U.S. Patent No. 6,648,276) in view of *Hartung* (U.S. Patent No. 4,637,579).

Claims 7-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *McQuistian* ('276) in view of *Hartung* ('579) and *Schwiede* (US 20020060273 A1).

Summary of the Claimed Subject Matter

The present invention provides a switching assembly for a railroad switch (see, page 2, lines 41-56). The switching assembly 32 in accordance with the present invention includes a pair of hollow ties 36, 44, a pair of supports 40, 48, and a linkage 52 (page 6, lines 160-182). The linkage 52 advantageously extends generally through the hollow ties 36, 44, whereby the cribs 336 between adjacent hollow and/or rail ties are generally free of linkage components, and the ballast in the cribs 336 can be compacted with known automated machinery (page 13, lines 388-399). The linkage 52 includes a number of lugs 72, 76, 80, 84 and a number of rods 88, 92, 100, 104, with the rods each being formed from standard bar stock and threaded, with the linkage configuration avoiding the need to custom bend any of the rods (page 7, lines 191-198 and page 11, lines 318-325). The hollow ties 36, 44 are formed from a generally available standard box section steel, as are the supports 40, 48 (page 12, lines 361-366). Each hollow tie 36, 44, including its support 40, 48, is separate from the other hollow tie 36, 44 with its associated support 40, 48, whereby the spacing between the hollow ties 36, 44 can be varied in accordance with the pitch of the other rail ties of the railroad switch (page 6, lines 176-182). Each hollow tie 36, 44 can include a heater 272, 308 within the interior thereof to overcome the effects of freezing (page 12, lines 342-353).